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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,646	03/26/2001	Johann Engelhardt	LASP:104_US_	8779

7590 04/16/2003  
Simpson, Simpson & Snyder, L.L.P.  
5555 Main Street  
Williamsville, NY 14221

EXAMINER

ROBINSON, MARK A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Appli cation No.

09/817,646

Applicant(s)

ENGELHARDT, JOHANN

Examiner

Mark A. Robinson

Art Unit

2872

-- The MAILING DATE of this communication appears on the cov r sh et with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2872

DETAILED ACTION

*Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 12-22, 24-27, 30, 31, 34 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (5035476) in view of Gamble(5681987).

The limitations of these claims are either met by or obvious over Ellis as discussed in the previous office action, with the exception that Ellis does not teach the light source to be adjustable. However, adjustable light sources are known and an example of such is shown by Gamble (note fig. 1 and column 7). Note that Gamble's arrangement allows for lateral and rotational adjustment of the light source. It would have been obvious to the ordinarily skilled artisan at the time of invention to include the adjusting arrangement of Gamble with Ellis' light source in order to allow for alignment of the light source with the other elements of the optical system.

3. Claims 1-11, 23, 28, 29, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Gamble and LoBianco et al.

The limitations of these claims are either met by or obvious over Ellis as discussed in the previous office action, with the exception that Ellis does not teach adjusting the light source in an iterative manner. However, adjustment of light sources is known and an example is disclosed by Gamble (note fig. 1 and column 7). Note that Gamble's arrangement allows for lateral and rotational adjustment of the light source for alignment. Further, LoBianco discloses an iterative method for adjusting an emitted light beam in an optical system for alignment (note the paragraph bridging columns 6-7). It would have been obvious to the ordinarily skilled artisan at the time of invention to adjust Ellis' light source as taught by Gamble using an iterative method as taught by LoBianco in order to allow for alignment of the light source and emitted light beam with the other elements of the optical system.

#### ***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

The patents to Gamble and LoBianco have been added to the rejection as showing the newly claimed features directed to adjustment of the light source/beam via an iterative method.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gamble (5949070) discloses an adjustment mechanism for a light source. Takacs et al teach an iterative method for aligning a beam of light.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (703) 305-3506.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached at (703) 308-1687. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MR

4/8/03

  
**MARK A. ROBINSON**  
**PRIMARY EXAMINER**